

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

Josephine T. Rossi,

Appellant

-against-

Andrea E. Celli,

Appellee.

Dist. Ct. Civil Action
1:08-mc-0081 (LEK)

IN RE Josephine T. Rossi

Debtor,

Bankr. Case No. 05-17735-rel

DECISION AND ORDER

On November 14, 2008, Debtor Josephine T. Rossi (“Debtor”, “Appellant” or “Rossi”) filed a Motion for a Temporary Restraining Order (“TRO”) with the Court. Dkt. No. 22. She is seeking a TRO preventing the County of Albany from commencing foreclosure proceedings on her house because “Albany County has committed a fraud in that they have stated in court papers that the deeds to J. Rossi’s properties were transferred on September 8, 2008 to the County.” Motion at 1-2 (Dkt. No. 22).

However, on November 10, 2008, Rossi filed a Notice of Appeal with the United States Court of Appeals for the Second Circuit, challenging this Court’s denial of her motion for a TRO and/or stay pending appeal (Motion for TRO/stay pending appeal (Dkt. No. 1); Order (Dkt. No. 8)) and the decision denying her Motion for reconsideration (Motion for reconsideration (Dkt. No. 9; Order (Dkt. No. 16)). Notice of Appeal (Dkt. No. 19). The filing of the Notice of Appeal

thus divested this Court of jurisdiction. See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (“The filing of a notice of appeal is an event of jurisdictional significance-it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”); United States v. Ramjohn, 866 F .2d 574, 575 (2d Cir. 1989) (holding that “[a] notice of appeal confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” (internal citations omitted)).

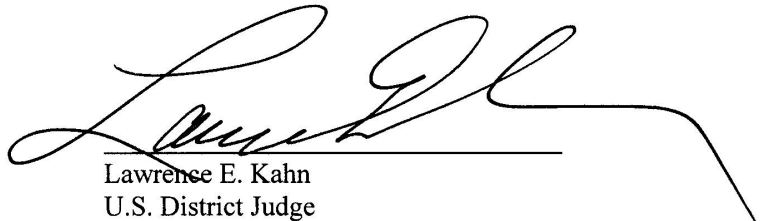
Accordingly, it is hereby

ORDERED, that Debtor’s Motion for a temporary restraining order (Dkt. No. 22) is
DENIED without prejudice; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: November 18, 2008
Albany, New York


Lawrence E. Kahn
U.S. District Judge